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Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Budget for the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 for the biennium 2002-2003

Report of the Advisory Committee on Administrative and Budgetary Questions

I. Introduction

1. The Advisory Committee on Administrative and Budgetary Questions has considered the reports of the Secretary-General on the proposed budget for the biennium 2002-2003 of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (A/56/495 and Add.1) and the financial performance of the Tribunal for the period from 1 January to 31 December 2000 (A/56/501). During its consideration of the reports, the Committee met with the Deputy Prosecutor and the Registrar of the Tribunal and with representatives of the Secretary-General, who provided additional information.

2. According to the Secretary-General, the proposal for the biennium 2002-2003 "is a direct consequence of Security Council resolution 1329 (2000) and General Assembly resolution 55/225 B" (A/56/495, para. 6). It would provide for an increase in court session capacity by 20 per cent to support the accelerating programme of work of the Court. It also reflects changes in the organization and management of the Tribunal as a result of amendments to the Rules of Procedure and Evidence. In paragraph 6 of the report it is stated that "the Office of the Prosecutor expects to finalize all investigations by 2004 and to complete its first instance trials by 2008, as opposed to 2017". However, the information on completion dates in paragraph 6 of the budget report is not clear to the Committee, particularly when compared to previous forecasts (see also A/55/642, para. 11).

3. **On the basis of testimony and information provided, it is the view of the Advisory Committee that there does not appear to be a realistically achievable exit strategy for the completion of the work of the Tribunal.** For example, as indicated in the report of the Committee of 22 November 2000 (A/55/642, para. 8), it had been the intention of the Tribunal in 2001 to reduce the time detainees spent in detention awaiting trial, during trial and appeal. Upon enquiry, the Committee was not given clear information on the achievement of this goal. The Committee also draws attention to its comments in paragraph 12 of the same report, where the Committee

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cautioned "that it would be difficult to focus on a specific date to complete the mandate of the Tribunal until it is known when investigations would be completed and what would be the final number of detainees awaiting trial". In this connection, the Committee was informed that 36 indicted fugitives were at large awaiting arrest and subsequent trial. There were 26 more investigations that could lead to a possible indictment of 18 suspects by the end of 2004. Moreover, the Committee points out that the completion of the work of the Tribunal also requires the completion of the appeals phase and that relatively little information has been provided on that aspect of the Tribunal's work. The Committee believes that the availability of considerable new evidence, as a result of increased cooperation with the local authorities concerned, could make the appeals process much more lengthy than previously envisaged. **In the Committee's opinion, it would be misleading to assume that the mere provision of the requested resources would enable achievement of the targets so far specified.**

4. The Advisory Committee was provided with information and statistics, at 16 November 2001, on activities during the period from 1996 to 2001:

(a) Convictions of 29 individuals by Trial Chambers;

(b) One acquitted in the first instance and 4 acquitted by the Appeals Chamber;

(c) Eight final convictions;

(d) Fourteen cases at the pre-trial stage, involving 20 accused persons;

(e) Four ongoing trials, involving 8 accused persons;

(f) Five cases at the appeals stage, involving 10 accused persons, and 2 cases, involving 8 recently convicted persons, who are still within the time limit of 15 days to file a notice of appeal;

(g) Arrest warrants publicly issued against 28 accused, who are still at large.

5. Upon enquiry, the Advisory Committee was informed of discussions under way concerning initiatives to empower special national courts to undertake trials. This would involve amending rule 11 bis to empower a Trial Chamber to suspend a relevant Tribunal indictment, so that the proceedings could be referred to and prosecuted in a specially constituted court in Bosnia and Herzegovina. **The Committee trusts that this development will contribute to the determination of the exit strategy for the Tribunal (see para. 3 above).**

6. On the long-term question of enforcement of sentences, the Advisory Committee recalls its comments in paragraph 10 of its report of 22 November 2000 (A/55/642). The Committee notes that the Secretary-General has not provided information on the long-term implications of these costs in the budget submission for 2002-2003. Upon enquiry, the Committee was informed that, in addition to the agreements already concluded with seven Member States on the enforcement of sentences and a special arrangement with a Member State on one case, the Tribunal was having ongoing discussions with four Member States. In this connection, the Committee was informed that some countries are adding new conditions to the agreement after its conclusion, for example: close relationship between the convicted person and the country in question and necessity of an assessment procedure by a domestic court. **This could result in a situation where convicted persons would have to stay in the United Nations Detention Unit in The Hague, which is not only against the rules (the Unit is a remand centre and not a prison), but would also have cost implications for the Tribunal' s budget.**

7. The Advisory Committee recalls its comments and recommendations in paragraph 5 of its report of 22 November 2000 (A/55/642) on the submission to the General Assembly at its fifty-sixth session of a report on the results of the implementation of the recommendations of the Expert Group to Conduct a Review of the Effective Operation and Functioning of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda (A/54/634). **The Committee regrets that the results of implementation of the recommendations of Expert Group were not available when the Committee took up the estimates as requested by the Committee.**

8. The Advisory Committee reiterates its view that the Secretary-General should ensure that, before requesting additional resources for the Tribunal every effort should be made to utilize fully and effectively existing resources within the Tribunal (see, for example, A/55/642, para. 6). **The Committee is not**

convinced that the budget proposal for the biennium 2002-2003 includes sufficient information attesting that a rigorous examination was undertaken of approved resources before making proposals for additional funds. Accordingly, the Committee recommends adjustments to various items of the proposal as indicated below.

Financial performance report for 2000

9. The expenditure during the period from 1 January to 31 December 2000 totalled $100,465,700 gross ($89,561,100 net), as compared with appropriations of $106,149,400 gross ($95,942,600 net), reflecting underexpenditures of $5,683,700 gross ($6,381,500 net), or 5. 4 per cent of the appropriation.

10. Significant variances between appropriations and the expenditures, by object of expenditure, for the Tribunal as a whole, are shown in table 1 of the performance report (A/56/501). These include underexpenditures of $4,112,700 under salaries, common staff costs and mission subsistence allowance and $269,400 under other staff costs. Underexpenditures under salaries and common staff costs are attributable mainly to the favourable exchange rate of the Netherlands guilder to the United States dollar and the higher actual average vacancy rates of 12. 4 per cent and 6. 9 per cent for posts in the Professional category and above and in the General Service and related categories, respectively, compared with the budgeted rates of 10 per cent and 5 per cent (A/56/501, para. 2). Other significant underexpenditures during the period include $675,200 in reduced requirements for travel, largely owing to the need for fewer witnesses, support persons and dependants to travel to The Hague than anticipated; $2,881,800 in savings under contractual services, including those under the provisions for defence counsel, detention services, training, verbatim reporting and forensic analysis and decontamination services; and $221,600 under alterations to premises. Overexpenditure of $1,792,500 for furniture and equipment included additional requirements under electronic data-processing equipment and computer software as well as vehicles and other equipment. An explanation for this is provided in the performance report (A/56/501, table 1, and paras. 2-12).

11. The Advisory Committee notes that additional requirements under general operating expenses include the amount of $582,100, as a result of the settlement of a claim and the setting aside of amounts to meet possible claims against the United Nations, following the deaths of detainees while in custody and the acquittal of accused persons following trial (A/56/501, para. 8 (f)). The Committee requested explanations on the legal basis for these payments. The Committee was informed that the claim related to the death in custody was settled for $57,500 in early 2001. The remainder of the obligation was liquidated since the claims for the arrest of persons that subsequently were acquitted did not materialize.

12. Upon request, the Advisory Committee was provided with a breakdown of expenditures of the Tribunal by organ for the years 1998 to 2000 and expenditure for 2001 at 31 October 2001 (see annex I to the present report).

13. **In view of the fact that the budget is now submitted biennially the Advisory Committee recommends that a financial and programme performance report be submitted on an annual basis. Its format and content should follow the format and content of the Tribunal budget estimates and include programme and performance information. The summary table should be accompanied by tables for each of the three organs of the Tribunal, including expenditure by object of expenditure. The report should indicate performance concerning benchmarks used to estimate resources. For example, where work months or number of missions are used as a basis to estimate resources, the report should indicate the performance in work months and number of missions. Savings arising from management efficiencies and productivity measures should be fully explained.**

II. Proposed budget for 2002-2003

14. The overall level of resources proposed for the Tribunal for the first biennial budget for 2002-2003, under assessed contributions, amounts to $248,364,200 gross ($224,702,200 net), reflecting an increase before recosting of $28,446,200 gross ($25,794,900 net), or 12.9 per cent gross (13 per cent net), over the 2000-2001 appropriations of $219,918,000 gross ($198,907,300 net). After recosting, the budget proposed for 2002-2003 amounts to $256,241,300 gross ($229,787,800 net), reflecting a resource increase

of $36,323,300 gross ($30,880,500 net), or a 14.2 per cent increase gross (15.5 per cent increase net) over the appropriation of $219,918,000 gross ($198,907,300 net) for 2000-2001. The recosting of provisions for 2002-2003 of $5,085,600 reflects the impact of provisions for inflation ($23,040,900), offset by reductions due to exchange rates ($14,096,000), changes to salary standard costs ($1,067,800) and increased income from staff assessment ($2,791,500). Total extrabudgetary resources for the biennium 2002-2003 are estimated at $5,692,600, reflecting a decrease of 45.7 per cent compared with voluntary contributions of $10,490,000 for 2000-2001 (A/56/495, tables 2 and 3 and para. 7).

15. The Advisory Committee was informed upon enquiry that the reduction of extrabudgetary resources for 2002-2003 resulted from a one time non-recurring voluntary contribution of $8,447,700 received from a Member State in 1999. This contribution, which was for activities in Kosovo, was almost totally spent during the years 1999, 2000 and 2001 ($5,288,400 for 2001), with the amount of $570,000 planned for disbursement in 2002.

16. For the biennium 2002-2003, the net real resource increase amounts to $25,794,900 (before recosting), or a 13 per cent increase compared with the 2000-2001 appropriation. The increase is driven mainly by the activities related to the nine ad litem judges, the increased pace of trial work that the addition of three trial chambers represents, increased activity in the area of arrests and the preparation of indictments and resumption of the work of the Prosecutor in Serbia (see A/56/495, table 3 and para. 7). The Committee notes that the 2000-2001 appropriation includes the cost of six ad litem judges for six months, plus support staff and operational expenses (A/56/495, table 2).

17. The proposed staffing table for 2002-2003 comprises 1,100 assessed budget posts (not including 14 judges and 9 ad litem judges) and 18 extrabudgetary posts, reflecting an increase of 132 assessed budget posts (72 Professional and 60 General Service) (see A/56/495, table 4). Detailed organization charts for each organ of the Tribunal, identifying proposed new posts, reclassification and staff redeployment for 2002-2003 are shown in annex II to document A/56/495/Add. 1.

18. For the biennium 2002-2003, 50 additional posts (37 Professional and 13 General Service) are requested for the Office of the Prosecutor, and 82 additional posts (35 Professional, 30 General Service and 17 Security Service personnel) are requested for the Registry. In addition, four reclassifications are requested in the Registry.

19. Annex I to document A/56/495/Add.1 shows the parameters used in the formulation of the budget. Budgetary assumptions for 2002-2003 include a United Nations rate of exchange of 1 United States dollar per 2.42 Netherlands guilders and a post adjustment multiplier of 5.975 for 2002 and 7.675 for 2003 for The Hague, as compared with an exchange rate of 1 United States dollar per 2.47 Netherlands guilders and a multiplier of 4.6 used for the 2001 budget. With regard to vacancy factors, as shown in annex I to document A/56/495/Add.1, the proposed budget for 2002-2003 assumes a vacancy factor for the proposed new posts of 50 per cent for the Professional category and 40 per cent for the General Service category, compared with vacancy factors of 60 per cent and 50 per cent for the Professional and General Service categories for 2001. For continuing posts, a rate of 5 per cent is used for both the Professional and General Service categories. The same rates of 5 per cent were used for continuing Professional and General Service posts in 2001. **The Committee points out that the biennial budget rates do not necessarily follow from the annual budget rates. For example, for 2001, the delayed recruitment factor for Professional posts was approximately 7 months; for the biennium 2002-2003, it would be 12 months. The Advisory Committee intends to monitor this in the financial and programme performance report for the Tribunal.** The Committee was provided with vacancy statistics by the organizational units of the Tribunal, at 31 October 2001, reflecting 101 vacant posts (26 in the Office of the Prosecutor and 75 in the Registry) (see annex III to the present report). **The Committee reiterates its view that the Tribunal should fill the vacant posts as rapidly as possible (see A/55/642, para. 24).**

A. Chambers

20. As shown in table 5 of the budget report, the resource requirement for the Chambers for 2002-2003 amounts to $8,511,500 gross and net, compared with $6,585,600 gross and net for 2000-2001, reflecting an increase of $1,925,900, or 29.2 per cent. Salaries and

allowances of judges amount to $8,364,100, reflecting an increase of $1,937,100, or 30.1 per cent. As indicated in paragraphs 14 and 15 (a), the provision includes the salaries and allowances for 14 judges and 9 ad litem judges. These have been calculated on the basis of the terms and conditions of service as established by the General Assembly in its resolutions 53/214 of 18 December 1998 and 55/249 of 12 April 2001. The next comprehensive review of the emoluments, pensions and other conditions of service of the judges is to be undertaken during the fifty-sixth session of the Assembly. The Committee notes that estimates may need to be adjusted in the light of decisions taken at that time.

21. The Advisory Committee was provided with updated workload indicators for the organs of the Tribunal, at 30 September 2001. For the Chambers, the Committee notes the number of court sessions will increase from 1,002 estimated for 2001 to 2,400 projected for 2002-2003. The actual number of court sessions for 2001 was 533 at 30 September 2001.

22. As indicated in paragraph 17 of the budget report, a travel provision of $111,600 (before recosting) is requested for the Chambers for 2002-2003, comprising $80,000 for travel of the President of the Tribunal; $15,000 for travel of the judges and ad litem judges to two joint judges' seminars with the International Criminal Tribunal for Rwanda; and $16,600 for travel of the judges to view a particular crime scene upon request from a party to the proceedings. Upon request, the Advisory Committee was informed that the judges (without the President and the ad litem judges) are away from the Tribunal (for seminars, conferences, speeches, etc) during an average period of 6 days per judge per year, including the combined meetings with the Tribunal for Rwanda. The Committee was also provided with a general overview on the activities of the judges of the Tribunal on a yearly basis.

23. **With regard to extra judicial activities of judges that affect proceedings (i. e., travel to seminars, public relations activities, etc.), on the basis of testimony by representatives of the Secretary-General and of the Tribunal, the Advisory Committee reiterates its view that the judicial activities at The Hague should have priority over public relations activities and attendance at external meetings (see A/55/642, para. 28). The Committee requests that information on these activities of the judges be included in the next financial and programme performance report (see para. 13 above).**

24. The Advisory Committee notes that, for the biennium 2002-2003, the Tribunal intends to double its judgement capacity through the use of nine ad litem judges. By the end of the biennium, the Chambers will have 12 trials, 9 pre-trial procedures, 6 pre-appeal procedures, 8 appeals (on the merits) and all interlocutory appeals arising from them. To manage this level of courtroom activity, the Chamber will operate in three courtrooms in two daily shifts, extending the normal workday (A/56/495, paras. 9-11). The Committee was assured that courtroom usage would increase with the appointment of ad litem judges (see para. 16 above).

B. Office of the Prosecutor

25. The proposed budget for the Office of the Prosecutor for the biennium 2002-2003 amounts to $79,807,100 gross ($67,643,600 net of staff assessment), reflecting an increase of $10,895,400 gross ($8,522,500 net) over the appropriation of $68,911,700 gross ($59,121,100 net) for 2000-2001. In addition, for 2002-2003, it is estimated that an amount of $1,129,600 would be available under extrabudgetary resources for the Office of the Prosecutor, compared with estimates of $6,418,000 for extrabudgetary resources for 2000-2001 (A/56/495, table 6).

26. For the Office of the Prosecutor, staffing requirements for 2002-2003 comprise 437 posts (282 Professional and 155 General Service), reflecting an increase of 50 new posts (37 Professional and 13 General Service), compared with 387 posts in 2000-2001 (A/56/495, table 7). The estimated costs of posts for the Office of the Prosecutor amount to $46.1 million (before recosting), including $3.8 million for 50 new posts. No reclassifications are requested for the Office of the Prosecutor. Annex II to the present report shows the new organizational structure of the Office of the Prosecutor. Justification for new and redeployed posts in the Office of the Prosecutor is contained in paragraphs 2 to 57 of annex IV to document A/56/495/Add. 1.

27. The Advisory Committee notes from annex V to document A/55/517 and annex VI to document A/56/495/Add.1 that trials under preparation were projected at 12 but only 8 were completed. For 2001,

trials under preparation are projected at 15 and 10 had been completed at 30 September 2001. For the biennium 2002-2003, trials under preparation are projected at 26. Upon request, the Committee was provided with the list of six cases scheduled for 2002 (first instance trial).

28. The Advisory Committee notes that with the arrival of the ad litem judges it is expected that the pace of trials will increase in order to complete its work within a shorter time frame. The Committee was provided with information on the effort on the part of the Chambers to find ways to reduce the length of trials, which has had an important impact on the Office of the Prosecutor. The Committee notes that shorter deadlines are being set for different aspects of trial preparation; rule changes have been implemented to reduce the number of witnesses in the courtroom through the use of certified statements (rule 92 bis); and deadlines for the completion of a trial are being fixed (A/56/495, para. 21).

29. As indicated in paragraph 24 above, it is anticipated that six trials will be held in 2002 and the same number in 2003. Two trial teams per chamber are needed in order to enable the Prosecutor to be in trial with one team and have another case in preparation. The Committee was informed that the Tribunal would be operating on extended hours in all three courtrooms (see A/56/495, para. 20).

30. The Advisory Committee notes that for the Prosecutor to meet the increased pace of trials, a large redeployment of investigative resources, including a significant number of staff to assist with trial work and a series of special projects, has already been implemented. The Prosecutor has refocused the work of the Prosecution and Investigation Divisions and the Committee was provided with detailed information on this. Investigations are now driven by the demands of the prosecutors responsible for the preparation of indictments and by the requirements of the senior trial attorneys presenting cases in court. The outstanding investigations essential for the discharge of the Prosecutor' s mandate have largely been identified, and the character of many investigations has now changed, with emphasis on analysing existing holdings rather than on collecting raw information. Many investigations have reached the legally intensive case-building stage (i. e., the technical process of shaping a criminal case by assembling all the evidence needed to prove the charges beyond a reasonable doubt (see A/56/495, paras. 21-23).

31. Proposals for new posts and redeployments for the immediate office of the Prosecutor are contained in paragraphs 1 to 5 of annex IV to document A/56/495/Add.1 (see also A/56/495, table 8). Three new P-3 posts and the inward redeployment of two posts (1 P-4 and 1 P-3) are requested for a new Financial Tracing Unit in the immediate office of the Prosecutor. The Unit would be responsible for the asset tracing functions previously carried out by the Requests and Information Unit of the Investigations Division. The Committee recalls that it recommended for approval a P-4 Legal Officer (Tracing) post in the Requests and Information Unit for 2001 (see A/55/642, annex II). The Committee was informed that resources had proved insufficient and that two staff members at the P-4 and P-3 levels were employed under the provision for general temporary assistance. It was now being requested to establish these on the staffing table.

32. **The Advisory Committee expresses concern at the practice of establishing posts through general temporary assistance in the expectation that they would be approved on an ex post facto basis. The Committee notes that this did not lead to any consequential reduction in the request for general temporary assistance in the Office of the Prosecutor. On the basis of the information provided, the Committee has no objection to the transfer of one P-4 post and one P-3 post from the Requests and Information Unit of the Investigation Division. The Committee recommends that the additional function should continue to be performed through general temporary assistance and recommends against approval of the three new P-3 posts.**

33. For the Appeals Unit two additional posts (1 P-4 and 1 P-2) and redeployment of 1 P-4 and 1 P-3 from the Forensic Unit in the Investigations Division are requested (A/56/495/Add. 1, annex IV, para. 3). The Committee recalls that for 2001, after the transfer of one appeals counsel (P-5) to International Criminal Tribunal for Rwanda, the Appeals Unit has an approved establishment of seven Professional posts (one P-5, two P-4, three P-3 and one P-2) and one General Service post, including two new posts proposed for 2001 (one P-3 and one P-2) (see A/55/642, para. 30, and annex II). The Committee notes that, according to paragraph 3 of annex IV to

document A/56/495/Add.1, the Appeals Unit is staffed with eight Professional posts and one General Service post. The Committee notes the information providing justification for two additional Professional posts in paragraph 5 of annex IV. The Committee points out that exculpatory material is available during the trials. In this connection, the Committee was informed of instances when new material develops and has to be made available to the appellant. However, in the Committee's opinion, it is not necessary to attempt to cover every eventuality. **The Committee has no objection to the proposed redeployment of posts and recommends approval of only one additional P-2 post to provide additional capacity in those instances when new material arise that was not available to appellants during trial.**

34. Proposals for new posts and redeployments for the Prosecution Division are contained in paragraphs 6 to 18 of annex IV to document A/56/495/Add.1 (see also A/56/495, table 8). The Division is currently structured on the basis of six trial teams and four preparatory teams. Because of the expected increase in pre-trial activities, a request for two more preparatory teams is made to bring the total to 12 teams, 6 of which would be in trial at any one time and 6 would be involved in trial preparation, and would be ready to proceed to trial in any of the six trial chambers at the completion of any ongoing trial. Upon enquiry, the Committee was informed that there had never been an instance when judges could not start trials because a case had not been prepared. The Committee also notes that, whereas, as in the organigram for International Tribunal for the Former Yugoslavia, trial teams are identified, no such identification is shown for International Criminal Tribunal for Rwanda. Upon enquiry, the Committee was informed that the two Tribunals' investigation, preparation and prosecution follow a more or less similar process. Investigators can also perform preparatory work since they have intimate knowledge of the facts.

35. **In the opinion of the Advisory Committee, it is therefore not necessary to have a preparatory team for each trial team. Furthermore, the Committee notes that a case can be prepared but does not always go to trial immediately and, as indicated above, some investigative attorneys will also be used to prepare trial cases (see, for example, A/56/495/Add. 1, annex IV, para. 21 (d)).**

36. The Advisory Committee recalls that when ad litem judges were approved one additional trial team was also approved (see A/55/517, annex IX, para. 6). Taking into account the resources approved for the Prosecution Division for 2001 and the additional resources recommended for approval for other staff costs for 2002-2003, **the Committee recommends approval of only one additional preparatory team composed of a senior trial attorney (P-5), two trial attorneys (co-counsel) (P-4), one legal officer (P-3), one case manager (General Service) and one trial support assistant (General Service).**

37. For the Trial Section of the Prosecution Division, two new P-3 posts and inward redeployment of two P-5 posts are requested. The Advisory Committee notes that the two P-5 posts proposed for redeployment from the Office of the Chief of the Investigations Division would provide for the additional posts of senior trial attorney required to head each new trial preparation teams mentioned above. **In view of the Committee's recommendation for the establishment of only one additional preparatory team, indicated above, the Committee recommends the redeployment of only one P-5 post to the Trial Section and approval of one new P-3 post for the additional preparatory team.**

38. For the Trial Support Unit of the Prosecution Division, six new General Service posts are requested. **The Advisory Committee recommends approval of one case manager (General Service) and one trial support assistant (General Service) in view of the recommendation to establish one additional trial preparation team and approval of one trial support clerk to strengthen the Unit.**

39. For the Team Legal Advisers Unit and the Co-Counsel Unit of the Prosecution Division, four new P-4 posts are requested for legal advisers for the two new trial preparation teams. **In view of the recommendations of the Advisory Committee to approve only one additional trial preparation team, the Committee recommends approval of two P-4 posts.**

40. For the Legal Advisory Section of the Prosecution Division, one new P-2 post is proposed to strengthen research capacity in view of the increased number of trials and appeals (A/56/495/Add.1, annex IV, para. 18). **The Advisory Committee agrees with the proposal.**

41. Proposals for new posts and redeployments for the Investigations Division are contained in paragraphs 20 to 42 of annex IV to document A/56/495/Add.1 (see also A/56/495, table 8). It is proposed to transfer two P-5 posts from the Investigations Division to provide for two senior trial attorneys posts in the Trial Section of the Prosecution Division. **As indicated above, the Advisory Committee recommends the transfer of only one P-5 post and that the function of the other post be reviewed for the purpose of abolition or transfer to another unit.**

42. In the Forensic Unit, the Advisory Committee notes the reasons given in paragraph 26 of annex IV to document A/56/495/Add.1 to retain a smaller forensic capability for at least two years to monitor the work done "by other organizations and States". The Committee further notes that assistance may be requested, in the event some new conflict should break out in the region. **The Committee believes that this request is in the nature of a contingency provision. In the light of the scaled down proposal and the time frame of two years indicated above, the Committee recommends acceptance of the request for redeployment of one P-4 post and one P-3 post to the Appeals Unit of the Prosecution Division as requested. The Committee recommends that the performance of the Forensic Unit continue to be reported in the context of the financial and programme performance report for the Tribunal (see para. 13 above).**

43. For the Tracking/Intelligence Unit two new P-3 posts and redeployment of one P-4, one P-3 and one P-2 are requested. The Advisory Committee was informed that the request for the two new P-3 posts was based on the success of the Rwanda Tribunal in tracking and locating fugitive indicted accused. The Committee understands that the problem for the Tribunal is related to obtaining cooperation of States where fugitives may be located. **The Committee has no objection to the proposed redeployments and recommends approval of one new P-3 post.**

44. For the new assessment team, four new posts (three P-3 and one P-2) and redeployment of five P-2 posts are proposed. The Advisory Committee notes that of 36 investigations to be completed before 2004, 10 investigations have been completed and 17 have been formally opened. To attain the Division's objective of signing 25 indictments by the end of 2003, the new assessment team would accelerate the opening of the last nine investigations (A/56/495/Add.1, annex IV, para. 31). The Committee notes that the work of the assessment team has to be closely coordinated with the work of military analysis, criminal analysis and investigation. The Committee was informed that the principal function of the assessment team would be to analyse old information to ascertain whether it would be appropriate to launch an investigation. The Committee questions the practice of establishing small independent units where functions, though not identical, could nevertheless profit from economies of scale in the optimum use of available expertise and in effective coordination. Nevertheless, in view of the importance of completing investigations, the Committee will not oppose the creation of the new assessment team but with proper coordination and cooperation it should be possible to carry out the work with less staff than requested. **Accordingly, the Committee agrees with the request for one P-3 post and one P-2 post and with the internal redeployment of five P-2 posts requested in paragraph 39 of annex IV to document A/56/495/Add.1 from the Military Analysis Team.**

45. For the leadership research team, three new posts are proposed: two research officers (P-3) and one database manager (P-2) (A/56/495/Add.1, annex IV, para. 36). **The Advisory Committee has no objection.**

46. For the military analysis team, three new P-2 military analyst posts are requested to double this function to six posts, while at the same time, as mentioned above, the five criminal intelligence analysts (P-2) posts in this unit are proposed for redeployment to the new assessment team. In the opinion of the Advisory Committee, the reasons given to justify doubling the resources for military analysis are not fully satisfactory (see A/56/495/Add.1, annex IV, para. 39). **The Committee recommends approval of only two P-2 military analysis posts.**

47. For the 10 investigation teams of the Investigations Division, nine more posts at the P-2 level are proposed and an additional P-2 post is proposed for redeployment from the Tracking/Intelligence Unit (A/56/495/Add.1, annex IV, para. 42). **Taking into account the target date of 2004 mentioned in paragraph 3 above, the Advisory Committee recommends approval of nine new P-2 posts and the redeployment of one P-2 post to double the capacity of the 10 investigation teams by adding one analyst to each team. The Committee**

also agrees with the proposed redeployment of two General Service posts from the Information Support Unit of the Evidence and Information Support Section to the administrative support pool of the Investigations Division (see A/56/495/Add.1, annex IV, paras. 50 and 55).

48. For the Belgrade and Skopje field offices two posts (1 P-3 and 1 P-2) for investigators are being requested for each field office. None existed before. Upon enquiry, the Advisory Committee was informed of the need to strengthen the investigation capacity for these offices in the light of the changed situation in the area. **In view of the increase in investigation capacity recommended by the Committee and bearing in mind that the main task of investigation is carried out by teams from The Hague, the Committee recommends approval of one P-3 post for an investigator for each of the two offices. In addition, as requested, for the Belgrade office, the Committee recommends approval of two new General Service posts for one language assistant and one driver.**

49. For the Evidence Unit of the Evidence and Information Support Section five new General Service support posts are requested. **The Advisory Committee recommends approval of four new support staff to provide continuous support to the trials plus maintain normal service to the investigation teams. The Committee further agrees with the internal redeployments in paragraphs 55 to 57 of annex IV to document A/56/495/Add.1 for the units dealing with information support, systems development, documents and video-indexing.**

50. For 2002-2003, other staff costs of the Office of the Prosecutor are estimated at $11,763,400 (before recosting), comprising provisions of $1,682,300 for mission subsistence allowance, $10,000 for hazard pay entitlements, $186,000 for overtime and $9,885,100 for general temporary assistance (see A/56/495, para. 29).

51. The Advisory Committee notes that the provision of $9,885,100 (before recosting) for general temporary assistance reflects an increase of $1,026,300 and will cover the requirements of pre-trial and peak trial support, document indexing, research and analysis, universal database project and exhumation projects (A/56/495, para. 29 (d)). Upon request, the Committee was provided with actual work-month statistics for the activities covered under the provision for general temporary assistance for 2000 and 2001.

52. With regard to the universal database project, the Advisory Committee notes the statement in paragraph 29 (d) (iv) of the budget report that the efforts to adapt the system to the rapidly changing needs of the Office of the Prosecutor had resulted in multiple series of databases and spreadsheets that did only part of the job, leading to duplication of effort and inefficiency. This situation reflects existing weaknesses in systems development in the Office of the Prosecutor. To remedy the situation, 120 work-months for system development assistants at the General Service level have been requested. **The Committee trusts that the universal database project will reduce the number of databases and spreadsheets used and improve efficiencies and consistency.**

53. The Advisory Committee notes from paragraph 29 (d) (v) of document A/56/495 that exhumation projects will continue in 2002-2003, but at a reduced level, with emphasis on probing and monitoring potential mass graves. Confirmed sites would be turned over to the Bosnian, Croatian or Serbian commission for exhumation and monitoring by the Tribunal forensic staff. Four work-months of forensic experts and 14 work-months for a monitoring team are requested. The Committee recalls that in 2000 it was informed that exhumation activities had been completed in Kosovo (see A/55/642, para. 34). The Committee notes that there is no certainty that funds requested would be needed in their entirety.

54. **Taking into account workload projections for 2002-2003 and actual expenditure patterns for activities covered under the provision for general temporary assistance in 2000 and 2001, the Advisory Committee recommends approval of $9.5 million (before recosting) for 2002-2003 rather than $9.9 million (before recosting) requested for general temporary assistance.**

55. Provision for consultants and expert witnesses in the Prosecution Division are estimated at $301,400 (before recosting) (A/56/495, table 6 and para. 30). **The Advisory Committee recommends approval of this amount.**

56. Provision for travel for the Office of the Prosecutor is estimated at $6.5 million (before recosting), with the bulk being for investigation ($5.7 million) and the remainder for prosecution teams travel

and other travel of the Prosecutor and Deputy Prosecutor (A/56/495, table 6 and para. 31). It is anticipated that 2,470 missions will be undertaken by investigation teams in 2002-2003 to gather witness testimony, seize material under search warrants and evaluate documentation made available to the Tribunal. Prosecution travel would include 252 missions "to proof" witnesses to prepare them for given evidence and 34 missions to the former Yugoslavia to take 952 statements related to rule 92 bis (A/56/495, para 31). The Committee was informed the statements would be obtained in accordance with the new rule 92 bis, which allows admission of certified statements from witnesses, thus obviating the need for the presence of those witnesses at court hearings. While the implementation of rule 92 bis will lead to more travel of investigators, it should also produce considerable savings since fewer witnesses would be brought to The Hague. **Taking this factor into account, as well as the uncertainties of the Committee about the capacity of the investigation teams to carry out 2,470 missions in the period envisaged, the Committee recommends approval of $6 million (before recosting) for travel rather than $6.5 million (before recosting) requested for the Office of the Prosecutor.**

57. In paragraph 32 of the budget report, a provision of $112,300 (before recosting) is requested for training in the Office of the Prosecutor. Upon enquiry, the Advisory Committee was informed that funds would be used for advocacy training in civil law at Oxford University, the training of investigators in new techniques and training in computer areas. **The Committee agrees with the request.**

C. Registry

58. The budget proposal for the Registry for the biennium 2002-2003 amounts to $167,922,700 gross ($153,632,700 net of staff assessment and other income), reflecting an increase of $23,502,000 gross ($20,840,400 net of staff assessment and other income), or an increase of 16.3 per cent gross (15.7 per cent net), over the 2000-2001 appropriation of $144,420,700 gross ($132,783,300 net of staff assessment and other income). In addition, for the biennium 2002-2003, it is estimated that the Registry will administer extrabudgetary resources, amounting to $4,563,000, as compared with $4,072,000 estimated for 2000-2001 (A/56/495, table 9).

59. For the Registry, the staffing requirement in the proposed assessed budget for 2002-2003 comprises 663 posts (253 Professional, 255 General Service and 155 Security Service), including the creation of 82 new posts (35 Professional and 30 General Service and 17 Security Service) and four reclassifications. The Advisory Committee notes that the staffing proposal for 2002-2003 includes 47 posts approved for the Registry for 2000-2001 to support six ad litem judges. The estimated costs of posts for the Registry amount to $57.5 million (before recosting), including $4.0 million for 82 new posts and $113,400 for four reclassifications. In addition, the proposed requirements for 2002-2003 include 18 extrabudgetary posts (1 P-3, 1 P-2 and 16 General Service) (A/56/495, para. 39 and table 10). Paragraphs 58 to 109 of annex IV to document A/56/495/Add.1 provide detailed justifications for the proposed new posts, redeployments and reclassifications in the Registry.

60. The Advisory Committee notes that factors affecting estimated request for the Registry are outlined in paragraphs 34 to 37 of the budget report. The contents of paragraph 38 should in future be presented in terms of plans, expected results and related resource needs (see similar comments for the Chambers in para. 23 above). **The Committee recommends that the description of functions carried out by the service units in the Registry should concentrate on identifying new functions and related resources with an explanation of the reasons for why the current capacity is not adequate to cover these functions.**

61. The Advisory Committee notes that the appropriation for 2000-2001 includes additional resources approved for 47 posts and non-staff costs, consultants, contractual services, etc. to support six ad litem judges (see A/56/495, table 9). Upon request, the Committee received additional information related to the need for additional resources for 2002-2003 in the Registry related to the ad litem judges. **The Committee has borne the foregoing in mind when reviewing the requests discussed in the paragraphs below.**

62. For the immediate office of the Registrar one new P-2 post is requested in paragraph 60 of annex IV to

document A/56/495/Add.1. **The Advisory Committee has no objection to this request.**

63. Justification for the proposals for new posts, redeployments and reclassifications for the Judicial Support Division are contained in paragraphs 61 to 81 of annex IV to document A/56/495/Add.1. A new P-3 post is requested for the Office of the President in view of the increasing need for English and French translation and interpretation services in the Office of the President. The Advisory Committee is of the view that interpretation and translation services for the Office of the President should continue to be provided by the language and conference services of the Registry. **Accordingly, the Committee does not support the request for an additional P-3 post for the Office of the President.**

64. For the Chambers Legal Support Section 10 new posts are requested: one new legal officer at the P-3 level for the Appeals Chamber, one new P-3 legal officer for each of the Chamber and three associate legal officers at the P-2 level and three General Service assistants to be assigned to the three additional ad litem judges.

65. The Advisory Committee notes the proposed increase in trial activity. The Tribunal plans to complete 12 trials and to commence 9 cases in pre-trial stage for 24 new accused persons who will arrive during the biennium 2002-2003 (A/56/495/Add.1, annex IV, paras. 66 (c) and 68). Upon enquiry, the Committee was informed that the 24 new detainees could come from the existing indicted 36 fugitives and from the 108 potential suspects about whom no assessment had yet been made as to whether an investigation would be worthwhile to undertake.

66. The Advisory Committee recalls that 14 posts (8 Professional and 6 General Service) were requested for the Judicial and Legal Services Division in context of the appointment of 6 ad litem judges (see A/55/517, annex IX). The Committee points out that some of the pre-trial work could be performed by some of the legal officers involved in trying the 12 cases that would be completed. Furthermore, it is not clear exactly how many of the newly accused would actually be arrested and arrive at the Tribunal. **The Committee is not convinced that adequate justification has been presented for three new P-3 legal officers to be assigned to the Chambers; however, the Committee agrees with the request for three P-2 and three General Service posts requested in connection with the arrival of three additional ad litem judges in 2002-2003. The Committee also agrees with an additional P-3 legal officer for the Appeals Chamber in view of the expected increase in appeals work.**

67. The Advisory Committee notes that currently there are 39 Professionals and 25 General Service posts in the Chambers Legal Support Section (A/56/495/Add.1, annex IV, para. 64). With the above recommendations, if approved by the General Assembly, there would be a total of 43 Professional and 28 General Service posts in this Section. **The Advisory Committee recommends that the further staffing requirements of the Section should be monitored and reported to the General Assembly in the context of the financial and programme performance report to be submitted to the Assembly at its fifty-seventh session.**

68. For the Court Management Section, three new P-3 and three new General Service posts are requested as well as a reclassification of one P-4 post to the P-5 level. **For the reasons outlined in paragraphs 72 to 74 of annex IV to document A/56/495/Add.1, and the additional information provided on the proposals, the Advisory Committee recommends approval of three new Professional and three new General Service for this Section, as well as with the proposed reclassification of the post of the Chief of the Section.**

69. For the Witness and Victim Support Section, one new P-2 support officer and seven General Service posts (three trial managers, one administrative assistant, one field assistant and two witness clerks) are requested. **For the reasons provided in paragraphs 76 and 77 of annex IV to document A/56/495/Add.1, the Advisory Committee agrees with the request for a new P-2 post; however, the Committee recommends approval of only four additional General Service posts rather than the seven posts requested.**

70. **With regard to the Office of Legal Aid and Detention Matters, the Advisory Committee agrees with the request for one new financial investigator post at the P-3 level proposed in paragraph 81 of annex IV to document A/56/495/Add.1.**

71. **For the Division of Administration, the Advisory Committee, taking into account the**

explanation given in paragraphs 84 to 90 of annex IV to document A/56/495/Add.1, agrees with the request for a P-5 post for a new medical officer requested in paragraph 86 of annex IV. As to the reclassification of the Chief of Finance post from the P-4 to the P-5 level and the two additional General Service posts, one for an administrative assistant and the other for a finance assistant, requested in paragraph 90 of annex IV, the Committee is not persuaded by the justification given and recommends against approval.

72. **With regard to the proposal for three new General Service posts for the Human Resources Section in paragraph 94 of annex IV to document A/56/495/Add.1, in view of the present complement of 13 General Service posts in this Section, the Advisory Committee does not agree with two additional General Service posts requested.**

73. For the Information Technology Support Section and for the General Services Section, 10 new General Service posts and a reclassification of 1 P-3 post to the P-4 level are requested. **The Advisory Committee agrees with the seven new General Service posts requested in paragraph 97 of annex IV to document A/56/495/Add.1 for technical support for two new trial sessions and for a system engineer. The Committee, however, sees no justification for the reclassification of the post of the Chief of the Development Unit from the P-3 to the P-4 level requested in paragraph 98. For the General Services Section, the Advisory Committee is of the view that the present complement of 5 Professional and 31 General Service posts should be adequate (see A/56/495/Add. 1, annex II). It therefore does not support the additional request for three new General Service posts in paragraph 100.**

74. With respect to the proposals for new posts for the Conference and Language Services Section and the Security and Safety Section in paragraphs 104 and 109 of annex IV to document A/56/495/Add.1, the Advisory Committee notes the request for the Conference and Language Services Section of 21 new posts (8 P-4, 9 P-3, 2 P-2 and 2 General Service). **Taking into account that the Conference and Language Services Section is staffed with 113 Professional (1 P-5, 34 P-4, 59 P-3 and 19 P-2) and 34 General Service posts (A/56/495/Add.1, annex IV, para. 101), the Committee recommends that 10 new posts (5 P-4, 4 P-3 and 1 P-2 posts), for translation and interpretation, be approved. The Committee endorses the request for the additional 18 Security Service posts (1 P-2 and 17 Security Service) and the reclassification from the P-3 to the P-4 level for the information security officer post requested in paragraph 109 of annex IV.**

75. For the biennium 2002-2003, a provision of $13,708,300 (before recosting) is requested for other staff costs under the Registry, reflecting an increase of $3,833,200. Other staff costs comprise $1,581,200 for mission subsistence allowance, $8,125,000 for temporary assistance, $2,816,100 for general temporary assistance, $1,056,000 for overtime and $130,000 for night differential. The increase in requirements under other staff costs includes $3,431,500 for French verbatim reporting under temporary assistance, which was budgeted in 2001 under contractual services (A/56/495, para. 40 (c) (ii)). In 2001, the method of court reporting in French was changed from direct court reporting to remote court reporting (A/55/642, para. 50). Upon enquiry, the Advisory Committee was informed that this turned out to be less cost-effective than the original arrangements and, therefore, the Tribunal would have to revert to the use of individual contractors. The Committee was also informed that estimates for 2002-2003 in paragraph 40 (c) (ii) are based on 2,000 workdays per team of four persons, whereas in the workload indicators in annex IV to document A/56/495/Add.1, the figure refers to 7,952 days per person.

76. The provision for temporary assistance of $8,125,000 (before recosting) also included $3,656,800 for conference and field interpretation (A/56/495, para. 40 (c)). The Advisory Committee notes from the change in presentation of the estimate for conference and field interpretation, which increases by $2,067,400 for 2002-2003, whereas in 2001 it was budgeted at $614,400 for field only (see A/56/495, para. 40 (c) (iii) and A/55/517, para. 49 (a) (ii)). The Committee notes that the estimate for 2002-2003 for conference and field interpretation is partly based on approximately 2,000 anticipated court sessions that may not materialize. **The Committee believes therefore that there is room to adjust the estimates (see para. 78 below).**

77. As indicated in paragraph 40 (e) of document A/56/495, the estimate of $1,056,000 for overtime under temporary assistance includes $960,000 for 16,000 hours per year for servicing the Trial Chambers

and $96,000 for 3,200 hours for temporarily replacing security officer posts at headquarters, when they are called into the field to support the exhumation project. **As indicated in paragraph 53 above, given that there is no certainty that the funds requested for the exhumation project would be needed in their entirety, the Advisory Committee doubts the $96,000 will be needed for overtime to support the exhumation project.**

78. **Taking into account expenditure patterns for the Registry under other staff cost in 2000-2001 and the uncertainty built in to the estimates for the biennium 2002-3003, the Advisory Committee recommends that $12.7 million (before recosting) be appropriated for other staff costs rather than the $13.7 million requested. The actual requirements should be reviewed in the context of the preparation of the first financial and programme performance report for the Tribunal for the biennium 2002-2003.**

79. **The Advisory Committee has no objection to the proposed estimate of $185,000 (before recosting) for consultants and experts in the areas of language support, counselling and software consultancy (A/56/495, table 9 and para. 41).**

80. The proposed travel budget for the Registry for 2002-2003 amounts to $4,855,300 (before recosting), comprising $3,736,000 for travel and allowances of witnesses, support persons and dependants and other related costs (1,262 witnesses would travel to The Hague during the biennium) and $1,119,300 for official travel of staff (A/56/495, table 9 and para. 40). In its report of 22 November 2000 (A/55/642, paras. 51 and 52), the Committee indicated that estimates for witness travel and support have regularly been overestimated. As indicated in document A/56/501, annex I, on performance indicators for 2000, actual workload data for 2000 for the Victim and Witness Support Section show that projected indicators in such areas as the number of witnesses, witness days, witnesses requiring protective measures and additional support and relocation of witnesses were overestimated. In this connection, the Committee notes saving of $1,025,300 million under travel in the Registry in 2000 (A/56/501, para. 6). The related preliminary performance workload data for 2001, at 30 September 2001 (A/56/495/Add.1, annex VI), indicate that for 2001 the workload indicators for the Witnesses and Victim Support Section were also overestimated. **Accordingly, the Committee recommends approval of $4,369,770 (before recosting) for travel under the Registry, reflecting a reduction of 10 per cent, compared with the proposed travel estimate of $4,855,300. Furthermore, the Committee urges that measures be put in place for strict monitoring and control of expenditure related to witnesses, including that related to the collection of evidence from persons who may or may not appear as witnesses before the Tribunal.**

81. The budget estimate for contractual service amounts to $45,423,000 (before recosting) for 2002-2003, including $30,445,000 for defence counsel and $9,391,300 for detainee services (see A/56/495, table 9 and para. 43). The Advisory Committee recalls that in the past it has expressed concerns regarding the control and management of contractual services, particularly with regard to defence counsel (see, for example, A/55/642, paras. 53 to 59; see also A/55/759, paras. 78-93).

82. The Advisory Committee enquired about measures taken to address its concerns and those of the Expert Group (see A/55/642, para. 57). **The Committee regrets that no comprehensive information was made available. The results of implementation of the report of Expert Group were not given to Committee when it was considering the estimates.**

83. The Advisory Committee enquired about the effectiveness of the changes that have been introduced to manage, monitor and control the legal aid system. The information given orally was not sufficient for the Committee to form an opinion as to the adequacy of these measures. **The Committee is requesting that, in its next audit, the Board of Auditors provide a special assessment of the effectiveness of the tools available, including staff and non-staff assets, to manage, monitor and control expenses of the Tribunal's legal aid system** (see also A/55/642, para. 57).

84. With regard to contractual services, for 2000, the Advisory Committee notes savings of $2.9 million, or 15 per cent of the appropriation of $18.7 million (A/56/501, para. 7). The Committee recalls that it was informed of a potential saving of $840,000 for 2000 (A/55/642, para. 59). For 2001, the amount requested for contractual services was $22.6 million and the Committee recommended $21 million (A/55/642, paras. 53 and 59).

85. For the defence counsel, the Advisory Committee notes that the estimate of $30.4 million is based on 60 detainees per year instead of the average of 45 detainees per year assumed for 2000-2001 (A/56/495, para. 43 (a)). The Committee notes that, at 30 September 2001, the actual number of detainees in 2001 was 41, against 50 initially estimated, and the number of detainees transported was 674, against 1,331 estimated (A/56/495/Add.1, annex VI). For 2000, the number of detainees was estimated at 40 but the actual number was 35, and it was assumed that 1,425 detainees would be transported but the actual number transported was 996 (A/56/501, annex I). For the biennium 2002-2003, it is assumed the number of detainees transported would be 4,952 or an average of 2,476 per year. **This, in the Committee's opinion, appears very optimistic in the light of past experience.**

86. The detainee services estimate of $9.4 million would cover the lease of cells and services from the host Government for detainees and the costs of detention guards. The increase reflects provision for 68 cells in 2002-2003, compared with 64 cells in 2000-2001 (A/56/495, para. 43 (b) and A/55/517, para. 52 (b)). **The Committee notes that negotiations are under way with the host Government for a larger cell complex and awaits the expeditious conclusion of these negotiations.**

87. The budget estimate for verbatim reporting of $2.7 million would provide for English real-time court-reporting services as well as for plenary sessions of judges and other official meetings. It is based on 825 court sessions per year. In this regard, the Advisory Committee notes that, for 2000, 465 days had been estimated and that 427 actual days were realized (A/56/501, annex I). The corresponding estimate for 2001 was 561 days and 315 days had been performed at 30 September 2001. The projection for 2002-2003 is 1,978 days, or an average of 989 days per year.

88. **Taking all of the above into account, the Advisory Committee recommends an appropriation of $44 million (before recosting) for contractual services, reflecting a reduction of $1,423,000 from the $45,423,000 requested in the estimates.**

89. Provision for other operating costs in 2002-2003 amounts to $29.8 million (before recosting), the main elements of which are $19.3 million for general operating expense (including $10.9 million for rental and maintenance of premises), $2.9 million for supplies and materials and $7.2 million for furniture and equipment (see A/56/495, table 9 and paras. 44-49). The Committee notes that for 2000 an overexpenditure has been reported under general operating expenses, furniture and equipment, and supplies and materials (see A/56/501, table 1).

90. The Advisory Committee notes that under the provision for furniture and equipment the amount of $500,000 is included for communications equipment, representing the Tribunal's portion of the costs for establishing a turnkey satellite communications link between the Tribunal in The Hague and the offices of the Rwanda Tribunal in Kigali and Arusha. Details are contained in document A/56/495/Add.1, annex V. The Committee was informed that the direct link between the two Tribunals would have considerable impact on communication and data transmission between Kigali, Arusha and The Hague.

91. For 2001, the Advisory Committee recommended approval of $14,550,600 reflecting a 5 per cent reduction from the estimate of the Secretary-General. **Under the circumstances, the Committee recommends approval of the estimate of $29.8 million (before recosting) for the biennium 2002-2003 as requested by the Secretary-General for other operating costs, as mentioned above.**

III. Conclusions and recommendations

92. **On the basis of the recommendations and observations indicated above, the Advisory Committee recommends that the General Assembly approve the appropriation of $249,013,600 gross ($223,233,100 net) for the operations of the International Tribunal for the Former Yugoslavia in 2002-2003. This would represent a reduction of $7,227,700 gross ($6,554,700 net) from the estimate of $254,198,300 gross ($225,645,600 net), indicated in paragraph 52 of the proposed budget (A/56/495).**[1]

93. **Post reductions recommended by the Committee are summarized as follows:**

Summary of new posts not recommended by the Advisory Committee

Organizational unit	*Posts*	*Paragraph No*
Office of the Prosecutor		
New Financial Tracing Unit	3 P-3	32
Appeals Unit	1 P-4	33
Trial Section	1 P-3	37
Trial Support Unit	3 General Service	38
Team Legal Advisers and Co-Counsel Unit	2 P-4	39
Tracking and Intelligence Unit	1 P-3	43
New assessment team	2 P-3	44
Military analysis team	1 P-2	46
Belgrade Field Office	1 P-2	48
Skopje Field Office	1 P-2	48
Evidence Unit	1 General Service	49
Registry		
Office of the President	1 P-3	63
Chambers Legal Support Section	3 P-3	66
Witness and Victim Support Section	3 General Service	69
Finance Section	2 General Service	71
Human Resources Section	2 General Service	72
General Service Section	3 General Service	73
Conference and Language Service Section	3 P-4, 5 P-3, 1 P-2 and 2 General Service	74

Total of 42 posts (26 Professional and 16 General Service) not recommended for approval for 2002-2003

Summary of reclassifications not recommended by the Advisory Committee

Organizational unit	*Posts*	*Paragraph No*
Registry		
Finance Section	1 P-4 to P-5	71
Information Technology Support Section	1 P-3 to P-4	73

Notes

[1] For the difference between this estimate and that referred to in paragraph 14 above, see A/56/495/Add.1, annex IX.

Annex

Breakdown of expenditures by organ for the years 1998-2001 detailing other staff costs and contractual services categories

A. Total Tribunal

(Thousands of United States dollars)

	1998	*1999*	*2000*	*2001 (At 31 10 2001)*
Temporary posts	28 975.4	41 684.5	44 017.1	40 953.9
Other staff costs				
General temporary assistance	1 126.8	1 880.0	6 230.5	4 093.8
Temporary assistance for meeting	2 399.5	1 617.3	2 337.6	2 141.6
Overtime and night differential	330.0	409.2	436.7	354.4
Total, Other staff costs	**3 856.3**	**3 906.5**	**9 004.8**	**6 589.8**
Compensations to non-Secretariat officials	2 422.2	2 492.6	2 505.2	2 364.8
Consultants and experts	177.8	104.4	199.6	130.6
Travel	2 916.7	3 367.5	3 812.6	3 349.6
Contractual services				
Defence counsel	9 060.2	11 736.8	10 831.5	11 708.1
Detention guards	1 288.7	2 552.9	2 958.9	4 008.7
Translation	181.0	194.4	321.6	547.4
Verbatim reporting	569.5	758.9	748.7	827.2
Training	169.7	234.2	414.1	365.3
Other contractual services	258.3	493.7	559.8	568.7
Total, Contractual services	**11 527.4**	**15 970.9**	**15 834.6**	**18 025.4**
Official hospitality	4.4	1.5	2.6	0.7
General operating expenses	5 432.2	7 399.2	8 185.3	7 037.2
Supplies and materials	520.7	718.3	1 105.0	1 120.2
Acquisition of equipment	3 249.6	4 001.7	4 480.7	3 215.1
Construction, alterations, improvements	280.6	-	418.9	-
Staff assessment	5 914.1	4 498.5	10 899.4	10 375.0
Total, gross requirements	**65 277.4**	**84 145.6**	**100 465.7**	**93 162.3**

	1998	1999	2000	2001 (At 31 10 2001)
Income from staff assessment	5 914.1	4 498.5	10 899.4	10 375.0
Other income	-	-	5.2	56.9[a]
Total, net requirements	**59 363.3**	**79 647.1**	**89 561.1**	**82 730.4**

[a] This includes a $47,000 one-time non-recurrent sale of vehicles.

B. Chambers

(Thousands of United States dollars)

	1998	1999	2000	2001 (At 31 10 2001)
Temporary posts	316.9	-	-	-
Other staff costs				
General temporary assistance	185.1	-	-	-
Temporary assistance for meeting	-	-	-	-
Overtime and night differential	14.8	-	-	-
Total, Other staff costs	**199.9**	-	-	-
Compensations to non-Secretariat officials	2 422.2	2 492.6	2 505.2	2 364.8
Consultants and experts	12.0	8.7	14.7	0.4
Travel	56.6	32.8	41.4	14.4
Staff assessment	102.5	-	-	-
Total, gross requirements	**3 110.1**	**2 534.1**	**2 561.2**	**2 379.6**
Income from staff assessment	102.5	-	-	-
Total, net requirements	**3 007.6**	**2 534.1**	**2 561.2**	**2 379.6**

C. Office of the Prosecutor

(Thousands of United States dollars)

	1998	*1999*	*2000*	*2001 (At 31 10 2001)*
Temporary posts	15 282.7	21 790.8	21 826.6	20 606.7
Other staff costs				
General temporary assistance	376.3	1 218.8	4 908.6	3 020.1
Temporary assistance for meeting	-	-	-	-
Overtime and night differential	51.8	48.8	76.3	87.2
Total, Other staff costs	**428.1**	**1 267.6**	**4 984.9**	**3 107.3**
Consultants and experts	97.5	68.3	80.0	92.1
Travel	1 571.6	2 141.1	2 669.0	2 162.3
Contractual services				
Training	28.0	10.8	41.8	50.3
Total, Contractual services	**28.0**	**10.8**	**41.8**	**50.3**
Staff assessment	2 823.4	4 498.5	5 391.4	5 068.9
Total, gross requirements	**20 231.3**	**29 777.1**	**34 993.6**	**31 087.6**
Income from staff assessment	2 823.4	4 498.5	5 391.4	5 068.9
Total, net requirements	**17 407.9**	**25 278.6**	**29 602.2**	**26 018.7**

D. Registry

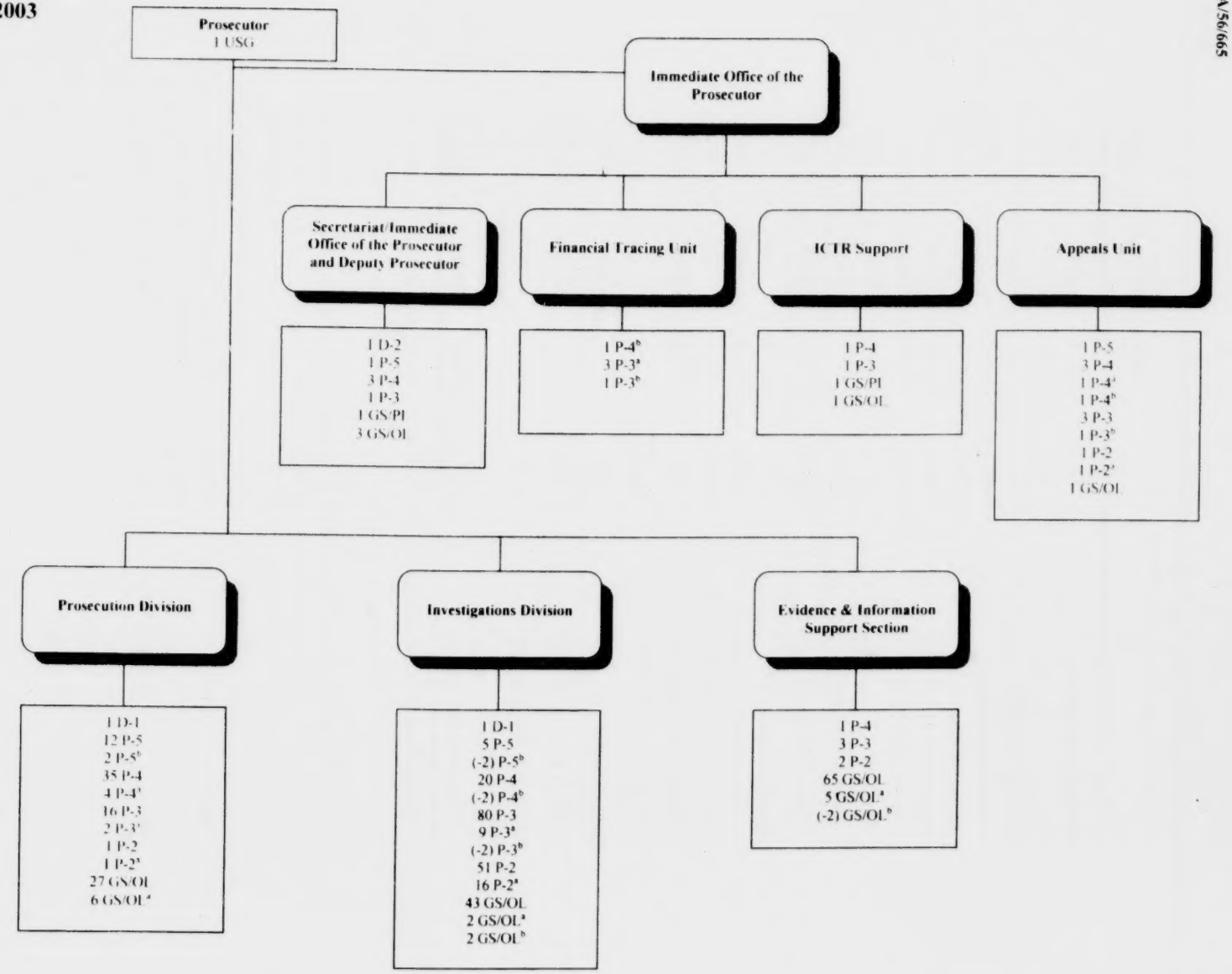
(Thousands of United States dollars)

	1998	*1999*	*2000*	*2001 (At 31 10 2001)*
Temporary posts	13 375.8	19 893.7	22 190.5	20 347.2
Other staff costs				
General temporary assistance	565.4	661.2	1 321.9	1 073.7
Temporary assistance for meeting	2 399.5	1 617.3	2 337.6	2 141.6
Overtime and night differential	263.4	360.4	360.4	267.2
Total, Other staff costs	**3 228.3**	**2 638.9**	**4 019.9**	**3 482.5**

	1998	*1999*	*2000*	*2001 (At 31 10 2001)*
Consultants and experts	68.3	27.4	104.9	38.1
Travel	1 288.5	1 193.6	1 162.2	1 172.9
Contractual services				
Defence counsel	9 060.2	11 736.8	10 831.5	11 708.1
Detention guards	1 288.7	2 552.9	2 958.9	4 008.7
Translation	181.0	194.4	321.6	547.4
Verbatim reporting	569.5	758.9	748.7	827.2
Training	141.7	212.6	372.3	315.0
Other contractual services	258.3	493.7	559.8	568.7
Total, Contractual services	**11 499.4**	**15 949.3**	**15 792.8**	**17 975.1**
Official hospitality	4.4	1.5	2.6	0.7
General operating expenses	5 432.2	7 399.2	8 185.3	7 037.2
Supplies and materials	520.7	718.3	1 105.0	1 120.2
Acquisition of equipment	3 249.6	4 001.7	4 480.7	3 215.1
Construction, alterations, improvements	280.6	-	418.9	-
Staff assessment	2 988.2		5 508.0	5 306.1
Total, gross requirements	**41 936.0**	**51 823.6**	**62 910.8**	**59 695.1**
Income from staff assessment	2 988.2		5 508.0	5 306.1
Other income	-		5.2	56.9[a]
Total, net requirements	**38 947.8**	**51 823.6**	**57 397.7**	**54 332.1**

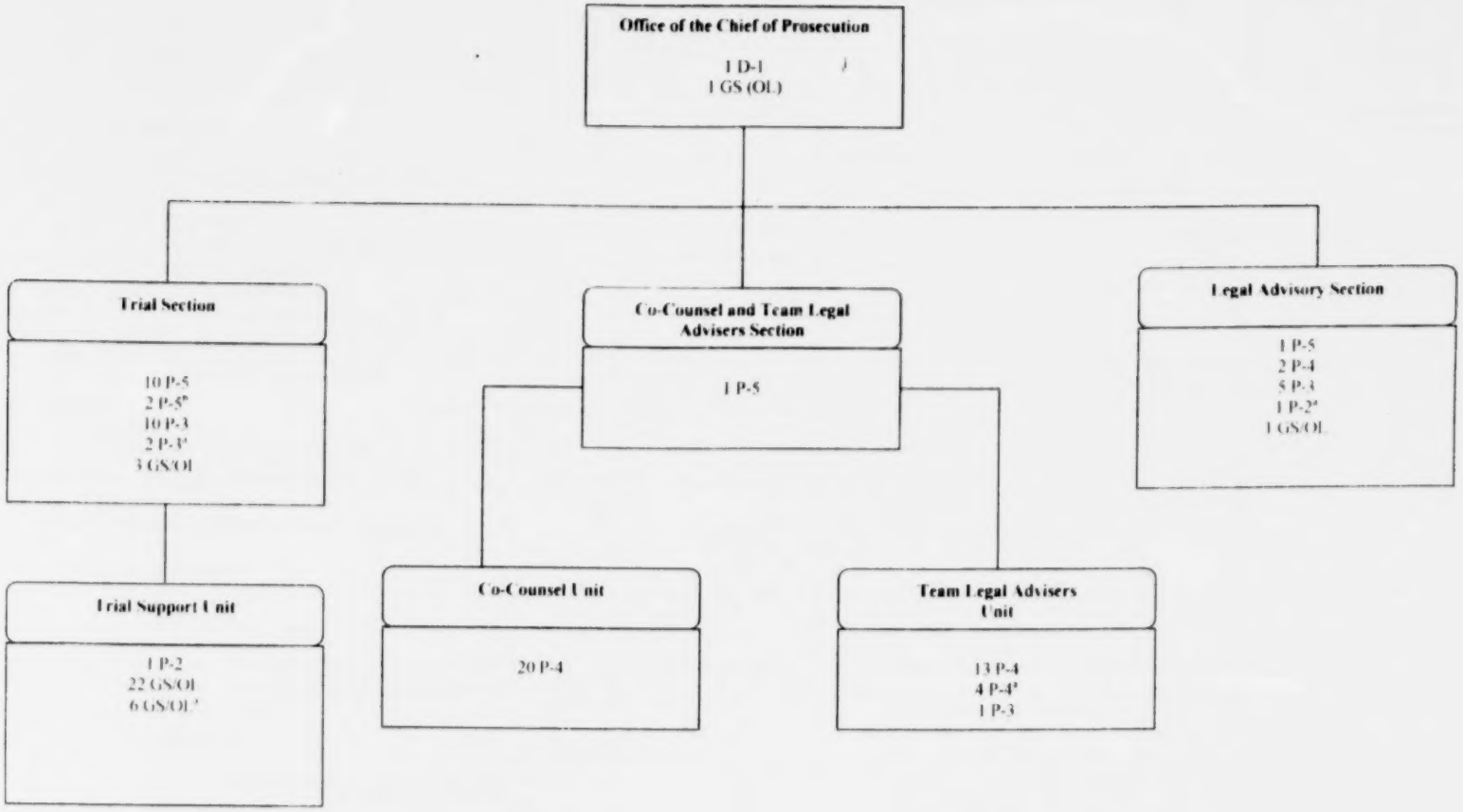
[a] This includes a $47,000 one-time non-recurrent sale of vehicles.

Annex II
Office of the Prosecutor: Proposed 2002-2003



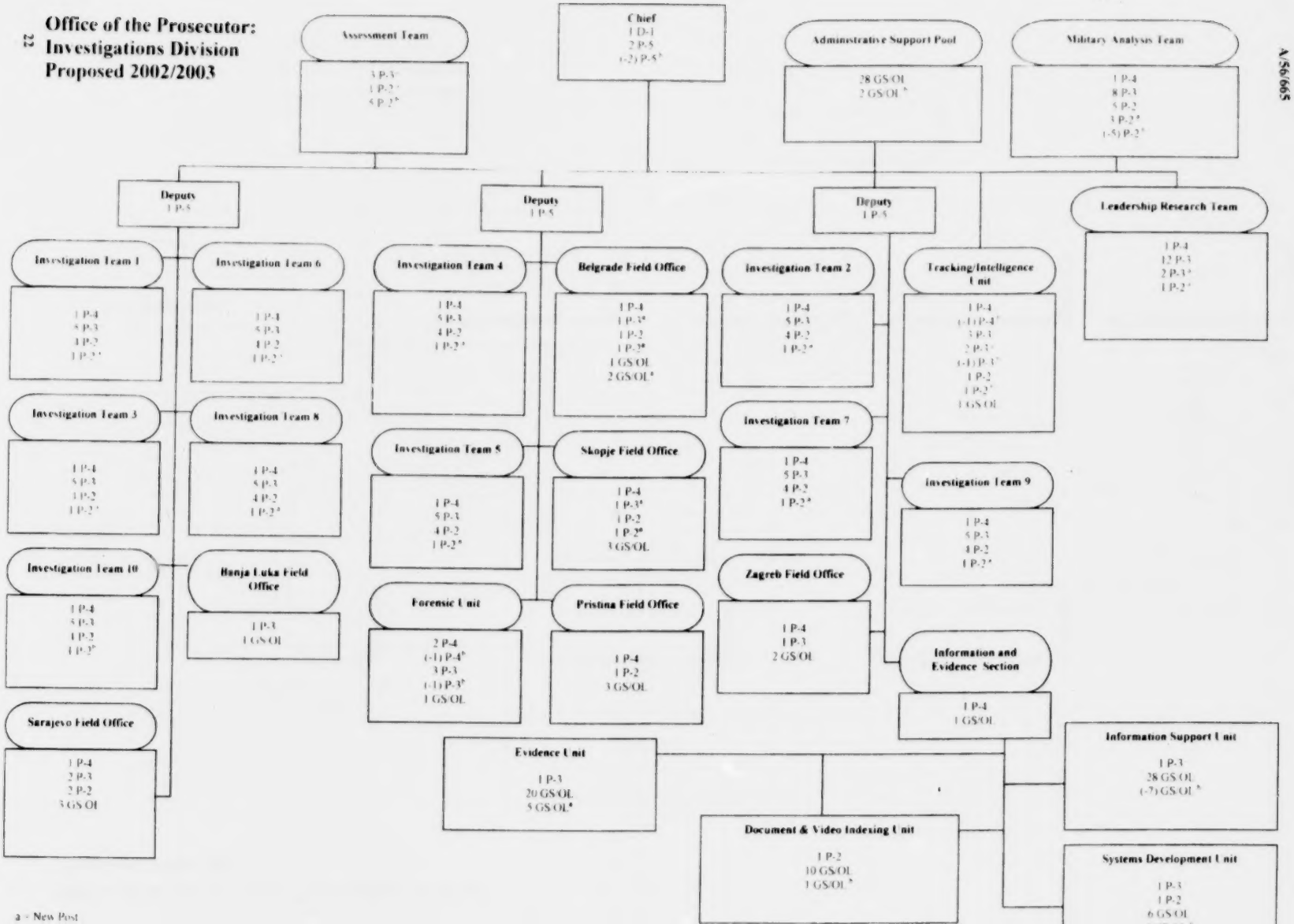
a= New Post
b = Redeployed Post

Office of the Prosecutor: Prosecution Division
Proposed 2002-2003



[a] New posts
[b] Redeployed

Office of the Prosecutor: Investigations Division Proposed 2002/2003



a = New Post

b - Redeployed Post

Annex III

ICTY Vacancy of as 31 October 2001 - Breakdown by main organisational units of each organ

	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2/1	Total P	PL	OL	SS	LL	FS	NO	Total GS	Total
Office of the Prosecutor																	
Authorized	1	0	1	2	19	63	104	55	**245**	2	140	0	0	0	0	**142**	**387**
Vacant	0	0	0	1	2	7	6	3	**19**	1	6	0	0	0	0	**7**	**26**
Immediate Office of the Prosecutor																	
ICTR Support						1	1		**2**	1						**1**	**3**
Appeals Unit								1	**1**		1					**1**	**2**
Prosecution Division																	
Trial Section					1				**1**		2					**2**	**3**
Co-Counsel & Team Legal Advisers Section					1	4	1		**6**							**0**	**6**
Investigations Division																	
Office of the Chief, Investigations Unit				1					**1**		1					**1**	**2**
Criminal Investigations Unit						2	2	2	**6**							**0**	**6**
Information & Evidence Unit							1		**1**		2					**2**	**3**
Leadership Research Section							1		**1**							**0**	**1**
Total Office of the Prosecutor	**0**	**0**	**0**	**1**	**2**	**7**	**6**	**3**	**19**	**1**	**6**	**0**	**0**	**0**	**0**	**7**	**26**
Registry																	
Judicial Support Division																	
Chambers Legal Support Division					1			4	**5**		2					**2**	**7**
Court Management and Support Section									**0**		3					**3**	**3**
Detention Unit									**0**		1					**1**	**1**
Office of Legal Aid & Detention Matters									**0**		1					**1**	**1**
Adminstration Division									**0**							**0**	**0**
Office of the CAO					1				**1**							**0**	**1**
Finance Section								1	**1**		1					**1**	**2**
General Services Section							1		**1**		2					**2**	**3**
Information Technology Support Services							1		**1**		6					**6**	**7**
Conference and Language Support Section									**0**							**0**	**0**
Office of the Chief									**0**		1					**1**	**1**
Interpretation Unit						1	2		**3**							**0**	**3**
English Translation Unit						3	4	2	**9**		1					**1**	**10**
French Translation Unit									**0**		3					**3**	**3**
Terminology Unit									**0**		2					**2**	**2**
Procurement Section						1			**1**	1						**1**	**2**
Security and Safety Section									**0**			20				**20**	**20**
Registry/Legal and Witnesses Support Division					1			2	**3**		6					**6**	**9**
Total for the Registry	**0**	**0**	**0**	**0**	**3**	**5**	**8**	**9**	**25**	**1**	**29**	**20**	**0**	**0**	**0**	**50**	**75**
Overall Total	**0**	**0**	**0**	**1**	**5**	**12**	**14**	**12**	**44**	**2**	**35**	**20**	**0**	**0**	**0**	**57**	**101**

Annex III

Vacancies as at 31 October 2001 — Breakdown by main organizational units of each organ

	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2/P-1	Total Professional	Principal level	Other levels	Security Service	Local level	Field Service	National Officers	Total General Service	Total
Office of the Prosecutor																	
Authorized	1	–	1	2	19	63	104	55	**245**	2	140	–	–	–	–	**142**	**387**
Vacant	–	–	–	1	2	7	6	3	**19**	1	6	–	–	–	–	**7**	**26**
Immediate Office of the Prosecutor																	
ICTR Support						1	1		**2**	1						**1**	**3**
Appeals Unit								1	**1**		1					**1**	**2**
Prosecution Division																	
Trial Section					1				**1**		2					**2**	**3**
Co-Counsel and Team Legal Advisers Section					1	4	1		**6**							**–**	**6**
Investigations Division																	
Office of the Chief, Investigations Unit				1					**1**		1					**1**	**2**
Criminal Investigations Unit						2	2	2	**6**							**–**	**6**
Information and Evidence Unit							1		**1**		2					**2**	**3**
Leadership Research Section							1		**1**							**–**	**1**
Total, Office of the Prosecutor	–	–	–	1	2	7	6	3	**19**	1	6	–	–	–	–	**7**	**26**
Registry																	
Judicial Support Division																	
Chambers Legal Support Division					1			4	**5**		2					**2**	**7**
Court Management and Support Section									**–**		3					**3**	**3**
Detention Unit									**–**		1					**1**	**1**
Office of Legal Aid and Detention Matters									**–**		1					**1**	**1**
Administration Division																	
Office of the Chief Administrative Officer					1				**1**							**–**	**1**

	USG	ASG	D-2	D-1	P-5	P-4	P-3	P-2/P-1	Total Professional	Principal level	Other levels	Security Service	Local level	Field Service	National Officers	Total General Service	Total
Finance Section								1	1		1					1	2
General Services Section							1		1		2					2	3
Information Technology Support Services							1		1		6					6	7
Conference and Language Support Section																	
Office of the Chief									–		1					1	1
Interpretation Unit						1	2		3							–	3
English Translation Unit						3	4	2	9		1					1	10
French Translation Unit									–		3					3	3
Terminology Unit									–		2					2	2
Procurement Section						1			1	1						1	2
Security and Safety Section									–			20				20	20
Registry/Legal and Witnesses Support Division					1			2	3		6					6	9
Total Registry	–	–	–	–	**3**	**5**	**8**	**9**	**25**	**1**	**29**	**20**	–	–	–	**50**	**75**
Overall total	–	–	–	**1**	**5**	**12**	**14**	**12**	**44**	**2**	**35**	**20**	–	–	–	**57**	**101**